

# MORRISON TENENBAUM

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March 11, 2022

## VIA ECF

The Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

**Re: SingularDTV GmbH v. Doe; Civil Action No.: 1:21-cv-6000-VEC**  
**Expedited Discovery on Motion to Intervene**

Dear Judge Caproni,

Pursuant to Your Honor's order of February 25, 2022, counsel for the parties in the above referenced actions have made two separate efforts to arrive at a "single discovery proposal which will deal with both [the] motion to intervene and the... 1030 case" (appearance transcript, February 25, 2022 ("Transcript") p.30 @ 25, p. 31 @ 1-2). While Kobre Kim has been eager to discuss a discovery schedule related to the new cold wallet issues raised for the first time in its motion for expedited discovery, they have outright refused to discuss a discovery schedule for their Motion to Intervene in the 1:21-cv-06000 matter. Instead, they continue to insist that adjudication of their Motion to Intervene should be stayed to allow proceedings in Switzerland to progress. Having now had an opportunity to review the transcript from our February 25 Appearance, Kobre Kim raised those very arguments before Your Honor (Transcript p. 23@10-15), but later agreed that this court will have to rule on the Motion to Intervene. (See id. @25 ("I don't think there is a way for the Court to avoid making some sort of determination...")). To that end, your Honor ordered the parties to collaborate on a discovery schedule, which we have attempted to do.

On our first call, arranged by Kobre Kim purportedly to discuss scheduling, Kobre Kim refused to discuss a discovery schedule for their Motion to Intervene. In an email following the first call, Mr. Cogburn once again repeated their arguments from the hearing (and from our call) advocating for a stay of all discovery on the Motion to Intervene "to avoid a costly and time-consuming discovery process...." This is clearly a disingenuous position.

Kobre Kim brought their motion to intervene *after* actions had already been commenced in Switzerland. Had they wanted to stay the 06000 matter in deference to the Swiss process, they could have moved for that relief. Instead, they commenced a separate action before this court and moved to take control over this matter as a proxy for their efforts to freeze out Kim Jackson and Zack LeBeau. Furthermore, considering the heft of Kobre Kim's pleadings in the 10130 case where they even engaged 'experts' to buttress spurious accusations that Mr. LeBeau is the *John Doe*, their

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assertion of financial and judicial economy is a farce. It is obvious that Kobre Kim want to avoid discovery and that they are willing to manipulate the process outlined by this Court in its February 25 Order to do so.

On a follow up call today, Kobre Kim again asserted that they would not discuss discovery in their motion to intervene in the *John Doe* matter, again on the grounds that they believe discovery should be stayed. Undoubtedly, Kobre Kim intentionally created these loggerheads so they can *reargue* their case for a stay of discovery by letter to the court.

The Motion to Intervene brought by Kobre Kim needs to be heard and that case progressed with due haste to identify the perpetrator of the hack. We respectfully request that Your Honor adopt the discovery schedule set forth below in light of Kobre Kim's unwillingness to work with Morrison Tenenbaum in good faith to establish a schedule.

Proposed Discovery Schedule or the Motion to Intervene:

Initial requests for document production by:

Wednesday, March 25, 2022

Responsive documents to be produced by:

Friday, April 27, 2022

Depositions to be conducted by:

May 27, 2022

Expert Discovery (if any) by:

June 30, 2022

Hearing Dates:

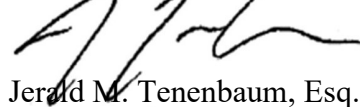
If expert testimony, Hearing Date on or around July 15, 2022

If no expert testimony, Hearing date on or around June 15, 2022

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We believe this schedule is aggressive, but that the parties can complete discovery within this time frame if we work together in good faith to get to the root of the matters being litigated.

Respectfully submitted,



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